

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

STATE OF RHODE ISLAND,  
DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

Plaintiff

v.

C.A. No. 05-346T

TOWN OF COVENTRY, ET AL.

Defendants.

**ORDER ACCEPTING IN PART AND REJECTING IN PART COMMERCE PARK'S  
OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On April 4, 2007, United States Magistrate Judge Almond issued a Report and Recommendations regarding the Town of Coventry's Motion for Discovery Sanctions (Doc. No. 73). Commerce Park filed objections to the Report and Recommendations. For the reasons stated in open court on June 13, 2007, the Court hereby adopts in part and rejects in part the Report and Recommendations:

- (1) The Commerce Park Defendants are required to pay the reasonable attorneys' fees and costs incurred by the Town in preparing and filing its Rule 37 Motions (Doc. Nos. 51 and 64) and in conferring to obtain the requested discovery materials. The Town shall submit documentation of its costs and attorneys' fees within 10 days of the hearing.
- (2) Commerce Park is not precluded from presenting expert witnesses regarding damages as no deadline has yet been set for discovery with respect to damages.
- (3) The Town will conduct its depositions of the Commerce Park Defendants within two weeks of the hearing, up to and including June 27, 2007.
- (4) Commerce Park's Motion to Modify the Scheduling Order and Motion to Sever will pass as moot.

- (5) A bench trial concerning the liability question of Commerce Park's crossclaims against the Town for (1) contractual indemnification, (2) breach of warranty, and (3) misrepresentation shall begin on October 15, 2007.

IT IS SO ORDERED:



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Ernest C. Torres  
Senior U.S. District Judge  
Date: ~~July~~, 2007

*June 30*